

REMARKS

Claims 1, 5-10, 20, 24-29, 39 and 50 are pending but stand rejected. Claims 2-4, 11-19, 21-23, 30-38, and 40-49 have been cancelled. Claims 1, 20, 39 and 50 have been amended. In view of the amendments and following remarks, the Applicant requests the Examiner's thoughtful consideration

CLAIM REJECTIONS – 35 USC § 103: Claims 1, 4, 5, 6, 7, 8, 20, 23, 24, 25, 26, 27, 39, and 50 stand rejected under 35 U.S.C. 103 as being unpatentable over USPN 6,169,873 issued to Connolly.

Claim 1 is directed to a digital image selection method and as, as amended, recites the following:

1. obtaining a first digital image of a first side of a physical object, the physical object being a first of an ordered set of physical objects;
2. examining the first digital image to determine if it is substantially blank;
3. if the first digital image is not substantially blank, obtaining a first set of digital images, each digital image of the first set being a digital image of a first side of a physical object of the ordered set of physical objects, and sending the first set of digital images for processing;
4. only if the first digital image is substantially blank, obtaining a second digital image of a second side of the physical object, the physical object being the first of the ordered set of physical objects and examining the second digital image to determine if it is substantially blank; and
5. if the first digital image is substantially blank and the second image is not substantially blank, obtaining a second set of digital images, each digital image of the second set being a digital image of a second side of a physical object of the ordered set of physical objects, and sending the second set of digital images for processing.

To summarize, a digital image of the first side of an initial page of a set of pages is obtained. It is determined if that digital image is blank. Only if blank, a second digital image of the second side of the initial sheet is obtained. Then, if the first digital image is determined to be blank and the second digital image is not, the second sides of set of pages are obtained and sent for processing. If the first digital image not blank, digital images of the first sides of set of pages are obtained and sent for processing. In other words, if the first digital image is not blank the first set of digital images are obtained and sent for processing. Only if the first digital image is blank, the second digital image is obtained. If the second digital image is not blank, digital images of the second sides of set of pages are obtained and sent for processing.

Connolly, at column 6, lines 31-33 describes scanning both sides of a sheet in steps 33-35 before and determination is made as to whether either side is blank in steps 41 and 43. Claim 1 recites that the digital image of the second side is obtained only if the digital image of the first side is determined to be blank. As a consequence, Connolly fails to teach "only if the first digital image is substantially blank, obtaining a second digital image of a second side of the physical object, the physical object being the first of the ordered set of physical objects and examining the second digital image to determine if it is substantially blank."

. For at least this reason, Claim 1 and Claims 5-8 are patentable over Connolly.

Claim 20 is directed to a computer readable medium having instructions for implementing the method of Claim 1. For at least the same reasons Claim 1 is patentable, so are Claim 20 and Claims 23-29 which depend from Claim 20.

Claim 39 is directed to a system having various components configured to implement the method of Claim 1. For at least the same reasons Claim 1 is patentable, so is Claim 39.

Claim 50 is directed to a system having various means for implementing the method of Claim 1. For at least the same reasons Claim 1 is patentable, so is Claim 50.

CLAIM REJECTIONS – 35 USC § 103:

Claims 9 and 28 were rejected as being unpatentable over Connolly in view of US Pub 2003/0048470 to Garcia. Claims 9 and 28 each depend from an allowable base and is allowable based at least in part on that dependency.

Claims 10 and 29 were rejected as being unpatentable over Connolly in view of Okubo and in further view of US Pub 2005/0200903 to Nakano. Nakano qualifies as prior art only under §102(e) Nakano and the present application share a common assignee. Consequently, §103(c) disqualifies Nakano as prior art under §103(a). For at least this reason, Claims 10 and 29 are patentable over the cited references.

CONCLUSION: The foregoing is believed to be a complete response to the outstanding Office Action. Claims 1, 5-10, 20, 24-29, 39 and 50 are felt to be in condition for allowance. Consequently, early and favorable action allowing these claims and passing the application to issue is earnestly solicited.

CONCLUSION: Claims 1, 4-10, 20, 23-29, 39 and 50 are felt to be in condition for allowance. Consequently, early and favorable action reversing the rejections and instructing the Examiner to pass the application to issue is earnestly solicited.

Respectfully submitted,

Richard G. Sevier

By /Jack H. McKinney/

Jack H. McKinney

Reg. No. 45,685

August 21, 2008